

REMARKS

Election/Restrictions

In the Office Action mailed November 22, 2006, Applicant was required under 35 U.S.C. § 121 to elect a single disclosed species. In its response filed February 22, 2007, Applicant elected with traverse claims 1-10, 12, 14-26, and 28-35.

In the present response Applicant withdraws non-elected claims 11, 13 and 27. Applicant reserves the right to file one or more divisional applications of the non-elected species.

Non-Statutory Obviousness-Type Double Patenting

Claims 1-10, 12, 14-26, and 28-35 are provisionally rejected under the judicially created doctrine of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 4, 6-11, 13, 16-27, 30-35, and 37-43 of co-pending U.S. Application No. 10/752,876. To overcome the rejection of pending claims 1-10, 12, 14-26, and 28-35, Applicant encloses herewith a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c) over co-pending U.S. Application No. 10/752,876, which is commonly owned with this application. Please charge our deposit account number **19-3878** in the amount of \$65.00 to cover the terminal disclaimer fee required under 37 C.F.R. 1.20(d), for which purposes a duplicate copy of this sheet is enclosed. Applicant respectfully requests that the double-patenting rejection be withdrawn.

CONCLUSION

Reconsideration is respectfully requested. Applicant believes the case is in condition for allowance and respectfully requests withdrawal of the rejections and allowance of the pending claims.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to **Deposit Account No. 19-3878**.

The Examiner is invited to telephone the undersigned at the telephone number listed below if it would in any way advance prosecution of this case.

Respectfully submitted,

Date: June 22, 2007

/Jacqueline M. Nicol/
Jacqueline M. Nicol
Reg. No. 44,973

SQUIRE, SANDERS & DEMPSEY L.L.P.
Two Renaissance Square
40 North Central Avenue, Suite 2700
Phoenix, Arizona 85004-4498
(602) 528-4002